

### **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated June 8, 2009 (hereinafter Office Action) have been considered. Claims 1-12, 14 and 35-46 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-12, 14 and 35-46 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,520,176 to Cohen in combination with U.S. Patent No. 6,398,728 to Bardy and Aircraft Noise and Sleep Disturbance: Final Report', prepared by the Civil Aviation Authority London on behalf of the Department of Trade, August 1980 (hereinafter "CAA").

The Applicant respectfully submits that the rejections of the Office Action are moot in view of the amendments made herein. The Applicant respectfully submits that the cited references do not account for all elements of independent claims 1 and 35. As such, the Applicant respectfully requests reconsideration and withdrawal of the rejections.

To the extent that the Applicant has not responded to any characterization in the Office Action of the asserted art or of the Applicant's claimed subject matter, or to any application in the Office Action of the asserted art to any claimed subject matter, the Applicant wishes to make clear for the record that any such lack of response should not be interpreted as an acquiescence to such characterizations or applications. A detailed discussion of each of the Office Action's characterizations, or any other assertions or statements beyond that provided above is unnecessary in view of the present response. The Applicant reserves the right to address in detail any such assertions or statements in the future.

The Applicant respectfully submits that the application is in condition for allowance, timely notification of which is kindly requested. Authorization is given to charge Deposit Account No. 50-3581 (GUID.058PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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